



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PICKERING et al.  
Appl. No. : 09/879,466  
Examiner : Zacharia, Ramsey E.  
Group Art Unit : 1773  
Filed : June 12, 2001  
For : SURFACE CONTACTING MEMBER  
FOR TONER FUSING SYSTEM AND  
PROCESS, COMPOSITION FOR  
MEMBER SURFACE LAYER, AND  
PROCESS FOR PREPARING  
COMPOSITION

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October 25, 2002

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Name

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Signature

**RESPONSE UNDER 37 CFR § 1.143  
TO THE OFFICE ACTION MAILED SEPTEMBER 25, 2002**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

This is in response to the requirement for restriction under 35 U.S.C. 121 mailed from the U.S. Patent and Trademark Office on September 25, 2002.

The 1-month shortened statutory period for responding to this Office action expires on October 25, 2002, which is the date of mailing of this Response. No extension of time is accordingly believed to be necessary.

Reconsideration and withdrawal of the requirement for restriction is respectfully requested in view of the following.

**REMARKS**

Claims 1-29 are pending in the application.

**RESTRICTION REQUIREMENT**

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-15, drawn to a multilayer member, classified in class 428, subclass 421.
- II. Claims 16-29, drawn to a coating composition, classified in class 523, subclass 200+.

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The Examiner has taken the position that the inventions are distinct, each from the other, because the inventions of II and I are related as mutually exclusive species in an intermediate-final relationship.

### **ELECTION**

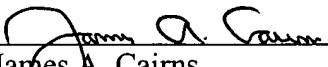
In order to be responsive to the requirement for restriction, Applicant hereby elects, with traverse, the invention set forth in Group II, claims 16-29.

### **REQUEST FOR RECONSIDERATION AND WITHDRAWAL**

Notwithstanding the election of the claims of Group II in order to be responsive to the Restriction Requirement, however, Applicant respectfully requests reconsideration and withdrawal of the Examiner's requirement for restriction.

Under MPEP 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." The non-elected group, claims 1-15, contains a single independent claim, and is drawn to a technology apparently requiring search of a single class/sub-class area. Applicant is aware that this may nonetheless include a large quantity or prior art, or may result in a serious burden when combined when the searching necessary for examination of the Group II claims. However, in view of the above circumstances, Applicant requests the Examiner to reconsider and, if appropriate, withdraw the restriction requirement.

Respectfully submitted,  
PICKERING et al.

  
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October 25, 2002  
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